



Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Distr.: General
29 June 2012

Original: English

UNITED NATIONS
DEPOSITORY

SEP 13 2012

UNIVERSITY OF CHICAGO
AT URBANA-CHAMPAIGN

Sixth session

Vienna, 15-19 October 2012

Item 2 (b) of the provisional agenda*

**Review of the implementation of the United Nations
Convention against Transnational Organized Crime
and the Protocols thereto: Protocol to Prevent,
Suppress and Punish Trafficking in Persons,
Especially Women and Children**

Activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

Report of the Secretariat

I. Introduction

1. The present report has been prepared pursuant to resolution 5/2 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, entitled "Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime". It seeks to inform the Conference at its sixth session of the activities of the United Nations Office on Drugs and Crime (UNODC) to promote and support the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

2. Since October 2010, when the fifth session of the Conference was held, the number of States parties to the Trafficking in Persons Protocol has increased to 150, with Greece, Haiti, India, Micronesia (Federated States of) and Morocco having ratified the Protocol in 2011 and Burundi, Ethiopia and Viet Nam having ratified it in 2012.

* CTOC/COP/2012/1.



II. Activities to assist States in the implementation of the Protocol

3. UNODC continues to play a multifaceted role in supporting Member States in the global effort to fight trafficking in persons through prosecution, prevention, protection and partnership. Combating trafficking in persons remained a key priority of the work of UNODC during the reporting period, the development of partnerships being a common defining feature of that work at the national, regional and international levels.

4. In February 2012, UNODC issued "A comprehensive strategy to combat trafficking in persons and smuggling of migrants" to clarify its activities and priorities in the following areas: (a) providing technical assistance for the implementation of the Trafficking in Persons Protocol and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime; (b) supporting inter-agency cooperation and coordination; and (c) managing the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children. The comprehensive strategy sets out the complementary nature of the work of UNODC aimed at preventing and combating both trafficking in persons and smuggling of migrants and the future direction of UNODC action and engagement in those areas.

5. At the operational level, UNODC provided technical assistance addressing trafficking in persons and smuggling of migrants to over 80 countries in all regions and promoted regional and interregional responses to both issues. UNODC developed and published multiple technical tools, manuals and issue papers to improve the capacity of national criminal justice systems to implement the provisions of the Trafficking in Persons Protocol. Those tools, manuals and papers serve as a core component of the work and activities carried out by the Office through its thematic and regional programmes both at headquarters and through its field offices. Tools and publications were disseminated through various channels, including websites (over 80,000 downloads to date), training activities, postal shipments and dissemination at official meetings and conferences, as well as in an ongoing manner through UNODC field offices.

6. UNODC continued to closely cooperate with other United Nations agencies and non-governmental organizations to further the objectives of the Protocol and to promote a comprehensive and multidisciplinary approach, in recognition of the multifaceted nature of trafficking in persons.

7. UNODC continued to coordinate the work of the Inter-Agency Coordination Group against Trafficking in Persons, which, for the purpose of increasing coordination and cooperation, brings together the key United Nations agencies and international organizations involved in preventing and combating trafficking in persons. The General Assembly has entrusted the Executive Director of UNODC with the coordination of the activities of the Inter-Agency Coordination Group, which currently focus on enhancing policy coherence in international efforts to combat trafficking in persons.

8. A working group was established in 2010 to improve the level of output of the Inter-Agency Coordination Group. The working group is composed of member organizations committed to regular participation in consultations of the

Inter-Agency Coordination Group. The working group held a briefing for Member States in June 2011 on the margins of the seventeenth session of the Human Rights Council in Geneva and agreed to develop a series of papers on emerging challenges to efforts to combat trafficking in persons. During 2011, priority issues were identified through active consultations, based on a review of activities undertaken in recent years to combat trafficking in persons.

9. A series of five planned policy papers was outlined in a briefing event for Member States held in New York in May 2012. The planned series will provide an opportunity for international organizations to speak with one voice when addressing significant challenges arising in the fight against trafficking in persons over the next decade. It is hoped that the series will serve as a catalyst for the promotion of common strategic priorities and greater policy and programme coherence. The first two papers will be published in October 2012.

10. Work has continued under the Global Initiative to Fight Human Trafficking (UN.GIFT), with the aim of mobilizing both State and non-State actors to eradicate human trafficking, especially through the fostering of partnerships for joint action against that crime. Throughout the reporting period, UNODC implemented a number of joint operational activities within the framework of UN.GIFT, including a series of joint national technical assistance programmes involving at least two members of the UN.GIFT Steering Committee of international organizations and national partners. In November 2011, UNODC launched one such joint programme with the International Organization for Migration (IOM) in Rwanda: (a) to increase knowledge and understanding of human trafficking among key stakeholders from the Government and civil society; (b) to build the capacity of law enforcement officials and immigration officers to identify and respond to cases of human trafficking; (c) to raise awareness among the Rwandan public and local leaders of the different forms of human trafficking and their associated risks; and (d) to establish victim referral and assistance mechanisms through training and support. During the reporting period, similar joint programmes for technical assistance were developed and/or implemented in Bolivia (Plurinational State of), Egypt, Pakistan and Serbia, as well as in Central Asia.

11. UNODC is the chair of the Global Migration Group for the second half of 2012 and has a key role in enhancing inter-agency support to Member States leading up to the High-Level Dialogue on International Migration and Development to be held in 2013. The Global Migration Group is an inter-agency group bringing together heads of agencies to promote the wider application of all relevant international and regional instruments and norms relating to migration and to encourage the adoption of more coherent, comprehensive and better coordinated approaches to the issue of international migration. A key output of the UNODC chairmanship will be the publication, in late 2012, of a thematic paper on protecting migrants and migration from criminal exploitation.

12. UNODC has also concluded a number of bilateral cooperation arrangements with key international partners. Trafficking in persons is one of the areas covered by a memorandum of understanding signed in April 2012 by UNODC and the World Tourism Organization (UNWTO) in which they agreed to join efforts to fight the crime of trafficking in persons within the travel and tourism industry. In April 2012, UNODC and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex)

signed a working arrangement aimed at strengthening their cooperation in the field of crime prevention and human security. Also in April 2012, UNODC and IOM signed an agreement pledging closer cooperation to tackle trafficking in persons and smuggling of migrants and to improve border management.

13. In addition to its work through such global inter-agency mechanisms, the UNODC global programmes on trafficking in persons and smuggling of migrants offer expertise in the following key areas in response to requests from Member States: (a) legislative assistance; (b) criminal justice responses and international cooperation; (c) data collection and research; (d) prevention and awareness-raising; and (e) victim protection and support.

A. Legislative assistance

14. UNODC continued to provide a range of legislative assistance measures to States to help develop effective domestic legislation in line with the requirements of the Protocol. UNODC activities in the area of legislative assistance included assessing legislative needs, providing substantive input on draft legislation, providing substantive and technical input and support during legislative drafting workshops and assessing compliance with existing domestic legislation.

15. In its delivery of technical assistance to all regions, UNODC continues to disseminate and utilize, on an ongoing basis, key technical material such as the *Model Law against Trafficking in Persons* (published in 2009) for both common law and civil law jurisdictions.

16. In January 2011, UNODC completed national legal assessments in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, evaluating the compliance of legislation to combat trafficking in persons with the domestic legal framework to enable the provision of targeted legal assistance, including capacity-building for legislative drafting.

17. A regional legal and policy review commissioned by UNODC and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), under the auspices of UN.GIFT, resulted in the publication of a report entitled *Responses to Human Trafficking in Bangladesh, India, Nepal and Sri Lanka* in April 2011. The report examines national laws, identifies and analyses key legislative and policy gaps and provides recommendations for a more effective response to human trafficking.

18. In March 2012, a regional workshop was conducted in Cape Verde to support actors from Benin, Guinea and Togo in drafting legislation to counter trafficking in persons.

19. In May 2012, UNODC completed preparatory work with the authorities in Burundi for the development of new legislation to counter trafficking in persons.

B. Criminal justice responses and international cooperation

20. To ensure implementation of national legal frameworks addressing trafficking in persons, UNODC continued to develop, produce and disseminate tools and

materials to assist Member States in remedying gaps in their criminal justice responses to trafficking in persons. In that regard, tools have been adapted to meet country-specific needs and to train relevant actors in their effective utilization.

21. A core concern of UNODC has been the response of front-line law enforcement officials to cases of trafficking in persons and possible victims of trafficking. By failing to recognize trafficking victims as such, law enforcement responses may be ineffective from an evidence-gathering and/or victim protection perspective.

22. Developed, launched and disseminated in 2011, the “UNODC human trafficking first aid kit for law enforcement agencies” ensures that front-line responders, especially law enforcement agencies, are equipped with the basic knowledge to correctly identify and respond to victims of trafficking in persons. The actions of front-line responders may affect the quality and quantity of evidence and influence the success of prosecutions, as well as have an impact on the subsequent treatment of victims.

23. Training activities for capacity-building have continued to be a key component of the assistance provided by UNODC during the past reporting period. Under its Global Programme against Trafficking in Human Beings, UNODC established a global training initiative to improve the consistency and delivery of all relevant training. The initiative is implemented through a team of experienced practitioners from a broad range of backgrounds, including law enforcement, criminal justice and psychology, with expertise in trafficking in persons. The initiative also makes use of a UNODC curriculum to train future trainers, based on the UNODC *Anti-Human Trafficking Manual for Criminal Justice Practitioners*. The aim of the initiative is to strengthen national capacities to fight trafficking in persons by providing trainers with the necessary tools and knowledge to conduct further training within national authorities, complemented by contributions from local criminal justice experts and victim service providers. In 2011, such training was provided to practitioners from Fiji, Mali, Portugal and Ukraine. In February 2012, UNODC organized a train-the-trainer workshop in the Bolivarian Republic of Venezuela.

24. Police officers, border guards and immigration officers, prosecutors, judicial officers, national focal points for combating trafficking in persons and victim service providers have also received training in line with the requirements of the Trafficking in Persons Protocol. Topics have included identifying cases of trafficking in persons; techniques for interviewing victims; the examination of crime scenes and physical evidence; and the provision of protection and assistance for victims and witnesses. During the reporting period, UNODC organized and delivered (and/or contributed substantive and technical input to) over 23 workshops providing training related to criminal justice with emphasis on countering trafficking in persons.

C. Data collection and research

25. Knowledge and research concerning the specific context of trafficking in persons at the national, regional and international levels are prerequisites for the elaboration, implementation and evaluation of strategies to combat the crime, as well as for the development of evidence-based policies. Such information is

essential to efforts to overcome the lack of understanding of the crime and of the human rights violations involved.

26. Data collection and research also allow UNODC to advise and assist Member States in implementing the Protocols, as well as to focus its efforts in areas requiring attention. Research also shapes the content of the tools and materials created to facilitate Member States' implementation of the Protocol.

27. Further to the adoption of the United Nations Global Plan of Action to Combat Trafficking in Persons by the General Assembly in its resolution 64/293, UNODC initiated steps in 2011 to produce the next UNODC global report on trafficking in persons, which will be published in the last quarter of 2012.

28. The UNODC human trafficking case law database, launched in October 2011, is a major new contribution to bridging the knowledge gap. The database will enable judges, prosecutors, policymakers, the media, researchers and other interested parties to access documented cases and court decisions on an ongoing basis and to take them into account when dealing with issues and cases related to trafficking in persons. The database also promotes uniform interpretation and application of the Protocol and national laws, allows the user to consult on practices in different jurisdictions and improves knowledge of crime involving trafficking in persons. Since its launch, the database has been continually updated; it currently contains the details of more than 400 cases. Through a partnership with Lawyers Without Borders, more than 300 additional case briefs are expected to be uploaded by UNODC for public use by late 2012.

29. UNODC has continued to develop and publish a series of issue papers to explore specific topics related to trafficking in persons that require the addressing of identified gaps or represent potential barriers in the implementation of the Trafficking in Persons Protocol. In April 2011, UNODC published an issue paper entitled *Transnational Organized Crime in the Fishing Industry: Focus on Trafficking in Persons, Smuggling of Migrants and Illicit Drugs Trafficking*. The study explored whether there is a transnational organized criminal connection in the fishing industry and the specific vulnerabilities of the industry in that regard.

30. The UN.GIFT.HUB, a virtual, Internet-based knowledge mechanism aimed at raising awareness and exchanging knowledge on trafficking in persons (available at www.ungift.org/knowledgehub), was launched in late 2010. UNODC has continued to develop it as the key public platform for technical information on responses to trafficking in persons. In addition to adding content to the website, UNODC has developed its technical infrastructure and functionality. In January 2011, the website received the UN 21 Award in the Knowledge Management/ICT category, in recognition of its being an effective tool for awareness-raising and knowledge exchange.

D. Prevention and awareness-raising

31. The Trafficking in Persons Protocol requires States parties to undertake prevention measures such as social and economic initiatives, research and awareness-raising campaigns targeting potential victims of such trafficking and potential consumers of services provided by trafficked persons. The response to that

area of trafficking calls for a wide range of actors to cooperate in designing and implementing such initiatives. UNODC supports States and other stakeholders in their prevention efforts and in developing national, regional and global campaigns to raise the awareness of different groups with regard to trafficking in persons.

32. An increasing number of States continued to adopt the UNODC Blue Heart Campaign as their national awareness-raising initiative on trafficking in persons. At the international level, the Campaign has been used to support the call for contributions to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children.

33. To prevent trafficking in persons and raise awareness of the problem, UNODC continues to participate in campaigns, exhibitions and other media events and cooperates not only with Member States, but also with key international public sector actors, the private sector, non-governmental organizations and other partners.

34. In April 2012, UNODC and UNWTO hosted an event for Member States entitled "Building better responses: human trafficking in the context of tourism". The event sought to raise awareness of the hidden realities of trafficking in persons in the sex tourism sector, as well as marking the commitment of UNWTO and UNODC to cooperating in order to jointly combat the issue.

E. Victim protection and support

35. UNODC promotes the protection of and support for the victims of trafficking in persons through country assessments of victim support services, training workshops and awareness-raising campaigns. In providing technical assistance, the Office also advocates a victim-centred approach.

36. UNODC is a key actor in the provision of assistance to victims of trafficking in persons, and it is engaged with civil society not only at the policy and technical assistance levels, but also in carrying out its role as the manager of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children. Through donations from Governments, the private sector and the general public, the Trust Fund works to provide humanitarian, legal and financial aid to victims of trafficking in persons.

37. The Small Grants Facility is an initiative of the Trust Fund. The first call for proposals was opened on 8 March 2011 and closed on 30 April 2011. Non-governmental organizations, or a consortium or coalition led by an eligible non-governmental organization, can apply to the Facility for small grants of up to \$25,000 per year, for up to 3 years. The 2011 Facility had two criteria that all proposals had to meet: they had to concern interregional and cross-border victim support initiatives; and they had to include effective remedies for victims of trafficking in persons. Having received more than 250 applications, the Facility has, to date, disbursed funds to 11 non-governmental organizations providing direct assistance globally to victims of trafficking in persons.

38. In December 2011, UNODC and IOM conducted a joint workshop in Albania for Albanian consular officials and liaison officers working in neighbouring countries and European Union member States, as well as foreign consular officials working in Albania. The workshop emphasized the need for a multidimensional,

coordinated approach to countering trafficking in persons, focusing on prevention and the provision of victim support services wherever possible. The workshop was designed to support the professional development and services of diplomatic professionals and liaison officers by enhancing their understanding of issues related to migration and trafficking in persons in the context of visa liberalization. The workshop also aimed to improve cooperation and the exchange of information among origin, transit and destination countries.

III. Conclusion

39. The new Human Trafficking and Migrant Smuggling Section has been established in the Organized Crime and Illicit Trafficking Branch of UNODC to operationalize the comprehensive strategy to combat trafficking in persons and smuggling of migrants. The Section will continue to implement programmes on awareness-raising, capacity-building and the promotion of the implementation of the Trafficking in Persons Protocol and the Smuggling of Migrants Protocol. The Section will also continue to facilitate inter-agency cooperation on work to combat trafficking in persons through the active participation of UNODC in inter-agency forums and initiatives, especially UN.GIFT, the Inter-Agency Coordination Group against Trafficking in Persons and the Global Migration Group.